



**US Army Corps
Of Engineers**
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice of Application for Permit

APPLICATION NO: NWW No. 040600013
(ITD Key No. 7769)

APPLICANT: Idaho Transportation Department, District 2

PUBLIC NOTICE DATE: January 28, 2004

21-Day Notice

COMMENTS DUE DATE: February 18, 2004

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT - Idaho Transportation Department, District 2, PO Box 837, Lewiston, Idaho 83501-0837, contact Mr. Zachary Funkhouser at telephone 208-746-4250. For information from the Corps of Engineers, contact Mr. Duane E. Mitchell at 509-527-7156.

LOCATION - Hatwai Creek, Calf Creek, Cow Creek, Thorn Creek and adjacent wetlands along U.S. 95 between the top of Lewiston Hill (MP 319.85) and Thorn Creek Road (MP 337.731) in Nez Perce and Latah Counties, Idaho.

WORK - Discharge fill material into 2.75 acres of wetlands and approximately 3.8 miles of stream channels to widen U.S. 95. Location and description as shown on the enclosed drawing sheets 1 through 42.

CONSTRUCTION PERIOD - Applicant proposes to start construction in the spring of 2004 and anticipates construction to take approximately 4 years. The permit would authorize construction for a period of 5 years.

PURPOSE - To improve public safety and increase highway capacity.

ADDITIONAL INFORMATION - The applicant proposes to widen U.S. 95 from two to four lanes from the top of Lewiston Hill in Nez Perce County to Thorn Creek Road north of Genesee in Latah County, Idaho. The additional lanes would improve traffic flow and provide passing lanes for both north and southbound traffic to improve safety. The existing segment of U.S. 95 between the top of Lewiston Hill and Moscow does not meet current American Association of State Highway and Transportation Officials Standards. Deficiencies have been identified as width, clear zones, grade, horizontal and vertical curves, and sight distance. Additional concerns include high-accident locations, access control and insufficient highway capacity.

Approximately 27,214 cubic yards of fill material would be discharged into streams and wetlands along the proposed highway corridor as needed to relocate stream segments away from the new highway alignment, widen the highway and construct additional traffic lanes. Realigning Hatwai, Calf, Cow and Thorn Creeks would be conducted in several steps. First, earthmoving, forming and shaping of the new channel will be performed in the driest months of the year (April through October). All work will incorporate temporary erosion and sediment control measures. Open channel work will be performed along the new stream alignment without interfering with the existing creek. The new stream banks created by the stream realignment will be treated to protect from erosion. The methods used will be a combination of establishing vegetation and/or protecting the slopes and channel with a geotextile fabric prior to diverting water into the new streambed.

Box culverts will be constructed with as little interference to the existing creeks as possible. New box culvert ends tying into the existing stream will require the stream to be temporarily rerouted so that there is space to accommodate the box culvert construction. New stream banks in those areas will be constructed to move the alignment of the stream to one side. The new slopes and channel will be treated in the same manner as mentioned above.

The Idaho Transportation Department (ITD) proposes creating 10.1 acres of wetlands in the Cow Creek floodplain upstream of the U.S. 95 crossing concurrently with this project. The mitigation site is located near Genesee in Sec. 14, T.37N., R.5W., Latah County, Idaho. Approximately 0.7 mile of Cow Creek is slated for restoration as mitigation for project impacts. Presently, wetlands along this segment of Cow Creek are dominated by reed canarygrass and the channel is incised which has reduced the available floodplain. The mitigation plan will enhance 1.97 acres of palustrine emergent wetland and create 3.92 acres of palustrine scrub/shrub and 5.59 acres of palustrine-forested wetland. The restoration is designed to replace wetlands proposed to be filled and reconstruct the floodplain. See the "Proposed Wetland Mitigation Plan" included with this Public Notice. This mitigation is proposed to compensate for filling a total of 2.75 acres of wetlands on this project and to provide mitigation acreage for the continuation of this project from Thorn Creek Road to Moscow at some point in the future. The Corps will consider this mitigation for the impacts on this project and will evaluate the use of any mitigation acreage over and above that required to mitigate for the proposed project for the Thorn Creek Road to Moscow project, if and when an application is received.

AREA DESCRIPTION - U.S. 95 is the primary north-south commercial and commuter link between Lewiston, Moscow, and several smaller towns in Idaho. The project area consists of agricultural land, woodlots, rural residences, and small businesses. Wetlands are located on both sides of U.S. 95 at various locations. The wetland communities are normally adjacent to streams and typically less than 1 acre each. They include both disturbed and relatively undisturbed areas. The majority of the wetlands that would be impacted on this project are palustrine emergent with a smaller portion being palustrine forested. Most of the stream segments to be impacted by the project are already degraded by land use practices or have been altered by the previous construction of U.S. 95.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT - The proposed project would result in the filling of 2.75 acre of emergent and forested wetlands. In addition to the wetlands, approximately 3.8 miles of stream channels will be impacted. These impacts will amount to relocating segments of Hatwai, Calf, Cow and Thorn Creeks. Segments of these creeks that intersect the proposed roadway will be placed in culverts. In areas where the roadway is to be widened, existing culverts will be lengthened to accommodate the extra traffic lanes. Relocated channel segments will be designed, constructed, and revegetated to improve the habitat characteristics of the existing degraded channels.

OTHER AUTHORIZATIONS - other authorizations obtained or requested include, but are not necessarily limited to National Pollutant Discharge Elimination System (NPDES) permit.

WATER QUALITY CERTIFICATION - This will also serve as public notice that Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the State of Idaho, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60 days of this public notice date, and an extension of this period is not granted to the IDEQ, certification will be considered waived. Comments concerning certification for this project should be mailed to Mr. Kerby Cole, Idaho Department of Environmental Quality, Lewiston Regional Office, Lewiston, Idaho 83501.

CULTURAL RESOURCES - ITD conducted coordination with the Idaho State Historic Preservation Officer to determine if this activity would affect any sites that are listed on the National Register of Historic Places, or sites that may be eligible for listing on the Register. The ITD determined that no listed or potentially eligible sites would be affected by this activity.

ENDANGERED SPECIES - Coordination is currently being conducted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates that the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

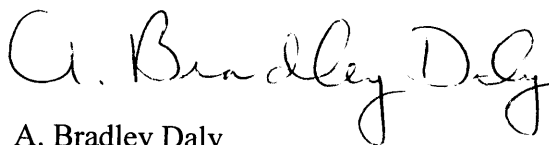
CONSIDERATION OF PUBLIC COMMENTS - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

**U.S. Army Corps of Engineers
Walla Walla District
Regulatory Division
201 North 3rd Avenue
Walla Walla, Washington 99362-1876**

Comments should be received not later than the comments due date of this notice to receive consideration.

A handwritten signature in cursive script that reads "A. Bradley Daly".

A. Bradley Daly
Chief, Regulatory Division